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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

later: Mr. SIMKHADA (Nepal)
(Vice-Chairperson)

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RIGHTS OF THE CHILD (continued)

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GE.99-12323 (E)

The meeting was called to order at 3.05 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/1999/69-71 and Add.1, 72-74 and 105; E/CN.4/1999/NGO/42, 45, 49, 70 and 77; A/53/311 and 482; E/CN.4/Sub.2/1998/12)

1. Mr. DU Zhenquan (China) said that poverty was one of the root causes of the violation of the rights of the child, and narrowing the gap between the rich and poor countries and the rich and the poor within countries was a prerequisite for improving the situation of children. There were some problems which caused particular concern and worry, such as the trafficking in and abduction of children, illegal adoptions, child labour, sexual violation and pornography, the protection of children in armed conflicts and the resettlement of refugee children. His Government supported the efforts of the international community in its determination to solve those problems and to take measures at the national and international levels to guarantee the rights of the child.

2. Regional wars and armed conflicts threatened the lives of children, increasing their suffering. The sale of children and their sexual exploitation continued, although repeatedly condemned by the international community, and child pornography was invading the Internet. His delegation supported the activities of the two working groups on draft optional protocols to the Convention on the Rights of the Child. Discussions had made some progress, but there were differences of opinion due to divergences in legal systems and national practices but, if all States held to the principle of the best interests of the child and made concerted efforts in a pragmatic and constructive manner, the drafting would soon progress.

3. In tackling such hideous acts as the sale of children and their sexual exploitation, it was equally important to deal with market demand and the sources of supply; every effort should also be made, with international assistance and cooperation, to assist the physical and mental recovery of victims and to reintegrate them into society. His Government appealed to the parties to armed conflicts to comply strictly with international humanitarian law, and wished to draw attention to the harm economic sanctions did to the rights and interests of children.

4. The rights of the child needed to be protected and safeguarded by national legislation. China had a comprehensive legal system for the protection of the rights of the child, and had adopted a large number of administrative measures to promote and monitor the healthy development of children, with notable successes in reducing neonatal and infant mortality and improving child nutrition and health.

5. Apart from a nationwide system of nine years' compulsory education, China had its "Project Hope" to help school dropouts resume their education, its "Plan of Spring Buds" to help girl dropouts and its "Dandelion Plan" to enrich the cultural life of children in rural areas. A provisional scheme for the education of migratory children, introduced in 1998, required local administrations to create conditions for migratory children to receive schooling.

6. Mr. TCHOUMAREV (Russian Federation) said that his delegation wished to draw the Commission's attention to the tragic massacre of Albanian refugees in Kosovo, many of them children. His delegation had, on a number of occasions, stated that violations of the Charter of the United Nations and action contrary to the Security Council led to massive violations of the rights and freedoms of individuals, including children. It was quite clear from the tragedy in Kosovo and the bombing by the North Atlantic Treaty Organization (NATO) - which in his delegation's view must be ended forthwith - that those decisions had been taken at the headquarters of the NATO alliance.

7. As for the Convention on the Rights of the Child, his delegation favoured the soonest possible conclusion of work on the development of an optional protocol on the involvement of children in armed conflicts. The central element of such a document should be raising the minimum age for the involvement of persons in military action and setting an age-limit for both compulsory and voluntary recruitment into the armed forces. In both cases, the limit should be 18 years of age.

8. Another important sphere of activity for the international community was the protection of children from sexual exploitation. The practical implementation of the very important guidelines contained in the Declaration and Plan of Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children, including the adoption of legislative and implementation measures at national level, could produce positive results for the protection of children's rights. Similarly, the drafting of a second optional protocol to the Convention, on the prevention of the sale of children, child prostitution and child pornography, had made some progress; the process was not an easy one but it had to be pursued to its conclusion. In that connection, his delegation proposed that the name of the protocol be changed from "optional" to "additional" to bring it into line with established international legal practice and to ensure that it more accurately reflected the nature and sense of the document.

9. His Government was seeking effective implementation of the Vienna Declaration and Programme of Action which emphasized the importance of national and international efforts to encourage respect for the rights of the child and confirmed the commitment of the international community to the principle of according priority attention to children.

10. In the 1990s, the Russian Federation had adopted more than 100 standard-setting legal instruments relating to children, including federal laws, presidential decrees and government decisions. The Family Code had brought legislation into line with the basic principles and provisions of the Convention on the Rights of the Child. However, there were gaps in Russian legislation, notably regarding the legal position of the children of migrants. Further legislative work had to be done on the procedure for adoption, above all at the international level.

11. Since 1993, the Russian Federation had produced annual State reports on the situation of children, which assessed the progress achieved in implementing the rights of the child. Since 1995, monitoring had been undertaken in all the administrative entities of the country regarding the socio-economic situation of families with under-age children. One of the

elements that demonstrated the interest Russian society had in children's problems was the alternative report drawn up by Russian non-governmental organizations (NGOs) for the Committee on the Rights of the Child. It was an effective mechanism for implementing the provisions of the Convention. The Ministry of Labour of the Russian Federation, together with the United Nations Children's Fund (UNICEF) and with the agreement of the administrative entities of the Russian Federation, had embarked on an experimental project to establish institutes for the rights of the child in all regions of the country.

12. In the Russian Federation, as in many other countries, full realization of the rights of the child was hampered by economic difficulties and the weakness of State education and health-care infrastructures. Childhood and the rights of the child were regarded not only as a legal and political matter but also as a question of morality and humanistic cultural values.

13. Ms. TIRONA (Philippines) said that her delegation supported the early adoption of the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts as well as that on the prevention of the sale of children, child prostitution and child pornography. Children should have no part in fighting wars, and the minimum age for recruitment should be 18. The involvement of children in conflicts was not simply a violation of their rights, but a negation of the development of a culture of peace that should begin at birth. It was not surprising that States which had recruited children as combatants were among those that found it particularly difficult to create a situation of enduring peace.

14. Her delegation supported the Commission's efforts to give the highest possible priority to the immediate implementation of the recommendation to provide relief to children in distress. It would require well organized and coordinated efforts involving the entire United Nations system.

15. Her delegation wished to reiterate its concern over the massive number of children with disabilities as a consequence of poverty, disease, disaster and violence, and called on all States and institutions to intensify activities to enhance awareness and overcome discrimination against children with disabilities, and to use holistic approaches in pursuing their welfare.

16. Her Government welcomed the proposed drafting by the International Labour Organization (ILO) of an instrument aimed at eradicating the most intolerable forms of child labour, and also welcomed the inclusion of provisions in the Statute of the International Criminal Court to stop the use of children as soldiers, end impunity and establish individual criminal responsibility.

17. In order to help the Committee on the Rights of the Child handle its increasing workload, she urged the States parties that had not yet done so to accept the proposed amendment to the Convention which would increase its membership from 10 to 18.

18. Mr. PLORUTTI (Argentina) said he welcomed the work being done on the two draft optional protocols to the Convention on the Rights of the Child and the efforts to prepare an additional protocol to the draft convention against

organized transnational crime concerning trafficking in women and children. His delegation had participated in the work of all three drafting groups, seeking to produce comprehensive definitions that could not be interpreted in such a way as to defeat the objectives of the instruments.

19. Argentina had made an interpretative declaration on ratifying the Convention on the Rights of the Child to the effect that such rights began at the moment of conception. The Convention had constitutional status in Argentina and was being applied by the courts. The Attorney-General had instructed all his staff to bear in mind the supremacy of the Convention over any conflicting legislative provisions. Argentina had also ratified the amendment to article 43 of the Convention increasing the membership of the Committee on the Rights of the Child.

20. To protect the identity of children, the Argentine legal system imposed aggravated penalties for all offences connected with trafficking in children such as abduction, concealment and suppression of identity. A National Commission on the Right to Identity established in 1992 was responsible for tracing missing and abducted children of unknown identity, children born of mothers who had been unlawfully deprived of their liberty and other children who were unidentified because they had been separated from their biological parents. The Commission had so far established the identity of 62 children born in captivity during the period from 1976 to 1983.

21. Ms. ASTRUP (Norway) said that the Convention on the Rights of the Child, which had been ratified by all but two countries, provided an agenda and served as a tool for improving the situation of children. She was concerned, however, that some States had entered reservations that were contrary to its object and purpose. Withdrawals of such reservations would be particularly welcome as the international community celebrated the Convention's tenth anniversary.

22. The Commission should promote the incorporation of children's rights in a wide range of United Nations activities. The Security Council, following a special briefing by the Special Representative of the Secretary-General for children and armed conflict in 1998, had identified areas in which it should take children's needs into account, e.g. peace-keeping operations. Accordingly, the mandate for the peace-keeping operation in Sierra Leone made explicit reference to the need for the demobilization and reintegration of child soldiers. Her Government was supporting the Special Representative in the hope that he would serve as the voice of children in war and as a catalyst for action. She appealed to States that had entered into dialogue with him to honour their commitments regarding child soldiers.

23. She welcomed the declaration on child soldiers and the plan of action for a West African moratorium on small arms adopted by the Foreign Ministers of the Economic Community of West African States (ECOWAS) at a meeting in March 1999. Restricting the proliferation of small arms was a key factor in preventing the recruitment of child soldiers.

24. Her delegation welcomed the adoption in 1998 of the Statute of the International Criminal Court, which made it clear that the involvement of children in armed forces was morally unacceptable. The conscription or

enlistment of children under 15 years of age or their active use in hostilities was punishable by the Court as a war crime. She commended the efforts by some States and by the NGO coalition against the use of child soldiers to break the deadlock in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

25. The entry into force on 1 March 1999 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction constituted a major step towards eliminating a threat to the life and health of many children.

26. She welcomed the initial report by the Special Rapporteur on the right to education (E/CN.4/1999/49), which adopted an innovative rights-based approach, and looked forward to the Special Rapporteur's analysis of the results of educational action from a human rights perspective by United Nations organizations and national Governments. She also welcomed the Special Rapporteur's intention to incorporate gender considerations in her reports.

27. Her delegation hoped that the working group on the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would complete its work at the forthcoming session. The Special Rapporteur on those issues had played an important role in that connection and her delegation reiterated its support for that work.

28. Her delegation was encouraged by the increased interest in programmes to combat child labour and strongly supported ILO efforts to draft a convention on the worst forms of child labour. She hoped that a strong instrument ensuring a high level of protection of the worst-affected children would be adopted at the International Labour Conference in June 1999.

29. While recent developments in information and communications offered opportunities for enhanced enjoyment of human rights such as freedom of speech and the right to education and information, graphic violence and information inciting to violence and racism had become easily accessible. Her Government intended to respond to the appeal by the Committee on the Rights of the Child to look for ways to protect children from the negative impact of the information revolution.

30. Mr. CASTRO GRANDE (El Salvador), having endorsed the statement by the representative of Guatemala on behalf of the Group of Latin American and Caribbean States, said that his Government viewed children's rights as a moral and ethical imperative. The Salvadoran Institute for the Protection of Minors was responsible for implementing national policy on children and adolescents and for protecting child victims of violence. The Constitution, the Convention on the Rights of the Child and the Family Code provided the corresponding legal framework. National programmes and projects in the area of children's rights were supplemented by campaigns to promote appropriate adult behaviour towards children. The Legislative Assembly had enacted legislation and established mechanisms to guarantee children's rights and their access to basic services. Investment in health and education had been

increased in recent years. Local NGOs were implementing projects for the rescue and reintegration of street children and the Municipality of San Salvador, in collaboration with private enterprise, was engaged in an ambitious project aimed at rescuing abandoned children.

31. Millions of children throughout the world were working in dangerous and degrading occupations, usually in the informal sector. The root of the problem was extreme poverty and its eradication called for better access to education, a change in family attitudes, and integrated policies designed to improve socio-economic and cultural conditions. The problem was being addressed in El Salvador through legislation prohibiting child labour and the exploitation of minors and programmes such as the ILO International Programme for the Elimination of Child Labour.

32. His delegation looked forward to the prompt completion of the task of the working group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It welcomed the efforts being made to end the use of children in armed conflicts, particularly the Secretary-General's move to establish a minimum age requirement for participation in United Nations peace-keeping operations. His Government was taking steps to increase the minimum age for recruitment and participation in hostilities through the amendment of national legislation and participation in the proceedings of the working group on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

33. Mr. Simkhada (Nepal), Vice-Chairperson, took the Chair.

34. Ms. KOWALSKA (Poland) said that the family was the first and main protector of a child's rights, as recognized in the preamble to the Convention on the Rights of the Child. It was in the caring environment of the family that children learned to communicate and to respect human dignity. Parents were thus the child's most important educators. However, many families had forgotten the importance of their role in a rapidly changing social and cultural environment and economic pressures often led to the dissolution of family bonds. Family crises also undermined spiritual values. Contemporary mass culture was fraught with violence and promoted hedonistic and utilitarian attitudes. The State had a special responsibility to provide for the victims of natural or social orphanhood and legal procedures for adoption should be simplified and shortened so that children could begin a new life in surroundings that closely resembled a natural environment.

35. Systematic preventive action was more effective and more economical than remedial action to address crises and pathological social phenomena. Legal standards should aim at consolidating and protecting the family. Under article 18 of the Polish Constitution, marriage, motherhood and parenthood were guaranteed special protection and care.

36. Mr. JAZBI (Pakistan), having expressed his support for the proposal by the Special Representative of the Secretary-General on the impact of armed conflict on children for a plan of action on behalf of the children of Kosovo, said that children throughout the world suffered in armed conflicts as refugees, internally displaced persons and combatants or para-combatants.

Armies of occupation treated them as soft targets, punishing them for their parents' convictions. It was to be hoped that the adoption of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts would ameliorate their plight. His delegation would continue to cooperate with the working group in its endeavours to achieve a consensus text.

37. The growth of the Internet had added a dangerous dimension to the exploitation of children as objects of sexual gratification. He thus looked forward to the early adoption of a draft optional protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography.

38. Poverty was the most pervasive threat to the welfare of children and malnutrition was the leading cause of child deaths in the world. Those who survived were frequently crippled, vulnerable to disease and mentally deficient. Of the 10 million children under five years of age who died each year in the developing countries, 70 per cent succumbed to curable diseases which went untreated because of poverty.

39. If poor children in the developing countries managed to avoid malnutrition, poverty prevented them from enjoying their right to education. Many had to start work at an early age to supplement the family income and were thus poorly equipped to deal with life. The vicious circle of poverty from generation to generation had to be broken.

40. Pakistan had ratified both the Convention on the Rights of the Child and the ILO conventions relating to children. The implementation of the Convention was in the hands of the National Commission for Child Welfare and Development, which oversaw all official aspects of a child's life. Recent developments had included the establishment of a special task force on education to coordinate and implement the policy of making primary education free and compulsory throughout the country. To that end, it had been decided to build 107,000 new schools. Health and welfare were to be improved through the Expanded Programme for Immunization, the control of diarrhoeal diseases and the National Nutritional Programme. Aspects of the juvenile justice system would be improved by focusing on rehabilitation, ensuring separate detention facilities, creating a database of children in prison and ensuring access by human rights workers to monitor prison facilities.

41. There was a strong legal framework to prevent the exploitation of children, including the Employment of Children Act 1991, contravention of which was punishable by imprisonment or a fine. Together with other participants in the third South Asian Association for Regional Cooperation (SAARC) Conference on Children in South Asia, his Government had adopted 2010 as the target date for the elimination of child labour in the region. Provincial government inspections had resulted in 6,000 prosecutions and nearly 1,400 convictions for the use of child labour. A project was under way in Sialkot, in collaboration with the ILO and UNICEF, to eliminate child labour in the football stitching industry by 2000. Carpet manufacturers had set up six schools in carpet-weaving areas around Lahore, where some 600 working children were being taught the basics of literacy.

42. Desirable as it was to eliminate exploitative child labour, the existence of such labour should not be used as a pretext for protectionist policies. It was therefore imperative that the developed countries should demonstrate their willingness to share the burden of eradicating child labour by providing financial and technical assistance to establish educational and vocational facilities to absorb the children released from the workplace.

43. Mr. HAROUN (Sudan) said that his country had been among the first to ratify the Convention on the Rights of the Child. His Government had established the National Council for Child Care and a national programme for the implementation of the Convention. In collaboration with United Nations specialized agencies, it had published and disseminated the Convention in local languages through the media and training programmes had been organized for media personnel. Basic education, including pre-school education, had been made compulsory. Child Culture Centres, which had significantly contributed to promoting the skills and talents of children, had been set up in various parts of the country.

44. He recalled, however, the miserable conditions of Sudanese children living in areas under rebel control. The rebel movement was exploiting children through forced conscription and using them as human shields. The Government, for its part, had spared no effort to put an end to the war in the southern part of the country: it had concluded the Khartoum Peace Agreement with all the warring factions, bar one rebel movement, the Sudanese People's Liberation Army (SPLA), which had refused to accept it. The Government was continuing its efforts to mitigate the suffering of children in war zones. It had declared a comprehensive ceasefire on 5 April, an initiative welcomed by humanitarian organizations.

45. It was regrettable that the United States of America had bombed the El Shifa pharmaceutical plant in August 1998. Since that plant had provided 80 per cent of the pharmaceutical goods for both people and animals, its total destruction had resulted in a severe shortage of vitally needed medicines. That act of aggression had deprived his country's children of their right to life and to development.

46. Mr. SOMOL (Czech Republic), having endorsed the statement by the representative of Germany on behalf of the European Union, said he hoped that the Convention would be universally ratified and progressively implemented by the end 1999, its tenth anniversary. It was important to monitor implementation and he believed that the Committee on the Rights of the Child should be enlarged: the relevant amendments were currently under consideration by the Czech Parliament.

47. His delegation supported the adoption of the ILO draft convention on the worst forms of child labour, which should include the use of children as soldiers, as provided for in draft article 3. In that context, the inclusion of the use of child soldiers under the age of 15 among the war crimes listed in the Statute of the International Criminal Court was welcome. It was regrettable that the working group on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed

conflicts had been unable to adopt a text and his delegation urged the States blocking the consensus to reconsider their position. Appropriate protection for children required the limit to be 18 years of age.

48. The recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography should be implemented. His Government was currently elaborating the National Plan of Action against the commercial sexual exploitation of children, which would focus mainly on prevention but would also strengthen the sanctions imposed on perpetrators.

49. Children's interests were best served by cooperation between the State and the non-governmental sector. For that reason the Government had invited the representatives of civil society to participate in the newly created Section of Children's Rights within the governmental structure of the Commission for Human Rights.

50. Mr. MORENO (Italy), having given full support to the statement by the representative of Germany on behalf of the European Union, extolled the partnership between his Government and the NGOs, which were engaged together in helping the people fleeing from Kosovo. Through its "rainbow mission", Italy was supporting 4,000 Kosovar children in Albania, in the hope of limiting any post-traumatic stress disorder. His Government was also engaged in promoting an extensive programme of medical care, assistance and rehabilitation for children in refugee camps. The Italian people had donated 45 billion lire, in addition to the sums provided by the Government, for the purpose. Such a vast number of children - orphans, dispersed or simply displaced - was extremely vulnerable to exploitation. The Italian camps recently set up in the region of Kukës, which currently held 3,000 refugees, would shortly be extended to take in 10,000, more than half of whom would be women and children.

51. Mr. SGARBI (Uruguay) said that his Government had undertaken to provide universal free pre-school education for children aged four or five, since it had been found that waiting until they were six made it more difficult to integrate children from the poorer sections of society into the educational system, given the difference in the stimulus they had received in their earliest years. Educational services up to secondary level would be strengthened by the provision of school meals and pilot schemes for full attendance. Progress in health care meant that the infant mortality rate had fallen.

52. His Government had received help and support from UNICEF, national NGOs and the ILO, particularly with regard to the elimination of child labour. In that context, the use of child soldiers constituted one of the worst forms of labour and it was unacceptable that the Convention should have set the limit at 15 years of age rather than at 18. That was why his Government maintained its reservation to article 38, preferring stricter provisions than those contained in the Convention. His delegation hoped that the optional protocol as adopted, would raise the minimum age to 18 in all circumstances.

53. His delegation endorsed the statement made by the representative of Guatemala on behalf of the Group of Latin American and Caribbean States regarding the discussions on the draft optional protocol to the Convention on

the Rights of the Child, on the prevention of the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

54. Mr. HUH Kang-il (Republic of Korea) said that the dire situation of children in armed conflicts called for urgent attention, and his delegation appreciated the efforts made by the Special Representative of the Secretary-General for children and armed conflict to ensure the release, demobilization and disarmament of child soldiers. His Government also hoped that the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts would be completed during the current year, the tenth anniversary of the Convention.

55. A realistic, step-by-step approach should be taken to the problem of the exploitation of child labour. The immediate goal should be to eliminate the most intolerable forms of child labour, with a view to eliminating the phenomenon altogether in the long term. His Government was actively involved in efforts to that end and had recently ratified the ILO Minimum Age Convention. The sexual exploitation of children was particularly dismaying, since sexually exploited children ran the risk of premature death or lasting psychological trauma. Rehabilitation programmes were costly and not always successful. He agreed with the Special Rapporteur on the sale of children, child prostitution and child pornography that education, the media and the justice system played crucial roles in the elimination of that crime.

56. The thousands of refugee children, many of them unaccompanied, fleeing Kosovo were the group most seriously affected by the crisis there. Urgent international efforts to provide humanitarian assistance and reunite families were required, and his Government would continue to participate in such efforts.

57. Given that education had a critical effect on children throughout their lives, children's education should be addressed with a rights-based approach. Strengthening and expanding primary education was an effort that yielded high returns but was contingent on the availability of resources. Governments and the international community as a whole should rearrange their priorities to ensure that primary education was at the forefront of national policies and development programmes. He commended the work being done by the Committee on the Rights of the Child and urged the States parties to the Convention to take steps to bring into force the amendment increasing the Committee's membership from 10 to 18.

58. Mr. HADI (Indonesia) said that children and their rights were given top priority in his country's development policies. Prior to the onset of the economic crisis, Indonesia had made unprecedented progress in the fields of child health and education, significantly reducing infant mortality and increasing school enrolment. The crisis had, however, led to an increase in poverty, forcing many children to leave school and enter the workforce prematurely.

59. To address the adverse effects of the crisis on children, his Government, in cooperation with UNICEF, was implementing both needs-based and rights-based programmes. Needs-based programmes included supplementary

feeding programmes and the provision of financial assistance to prevent children from dropping out of school. In the context of rights-based programmes, the Government had strengthened and expanded the capacity and role of the administrative units involved in implementing the Convention on the Rights of the Child. With help from UNICEF, the Ministry of Home Affairs had trained community assistance workers whose activities targeted vulnerable groups such as children and women.

60. In October 1998, the National Commission for the Protection of Children had been established to deal with complaints of violence against children and provide legal aid and counselling. The Commission also examined national legislation to ensure its conformity with the Convention, engaged in information activities relating to children's rights and monitored the implementation of those rights. UNICEF had assisted the Commission by training staff and conducting studies on the problem of violence against children in several provinces of the country.

61. While child labour was an issue of concern, it should be noted that not all work done by children was necessarily harmful to them or their families. In many cases, children benefited from the experience they gained and contributed to their families' welfare. To eliminate such work would be counter-productive. While jobs which prevented children from attending school or subjected them to hazardous conditions were exploitative, prohibiting child labour in developing countries without providing realistic and comprehensive alternatives was ineffective. Indonesia had introduced strict laws setting 14 as the minimum working age, and the Indonesian Parliament was considering ratification of the ILO Minimum Age Convention.

62. Mr. ISSAM (Observer for Iraq) said that the increasing use of economic sanctions against developing countries had had a significant impact on children, the most vulnerable group in society. In her report on the impact of armed conflict on children (A/51/306), the expert appointed by the Secretary-General had called for the ending of such sanctions without obligatory and enforceable humanitarian exemptions and agreed mechanisms for monitoring their impact on children.

63. Since 1990, unprecedented economic sanctions had been imposed on his country which had affected all segments of society, but especially children, who accounted for nearly half of the total population. Neonatal, infant and child mortality rates had all increased significantly with the increase in many infectious diseases. Children also suffered from psychological problems caused by fear and frustration.

64. Like children everywhere, Iraq's children aspired to adequate health care, education and living standards, including the benefits of technological and scientific progress. No one had the authority to violate their right to such aspirations, yet the embargo against Iraq violated all the rights of Iraqi children. He appealed to the Commission to assume its responsibility to protect the rights of Iraqi children and to make serious efforts to bring the devastation wrought by the embargo to an end.

65. Mr. ABDEL MONEIM (Observer for Egypt) said that his delegation fully supported the objectives of the optional protocol to the Convention on the

Rights of the Child on the involvement of children in armed conflicts and expressed the hope that the informal consultations on the draft resolution on that subject would be successful.

66. With regard to the optional protocol on the sale of children, child prostitution and child pornography, he said that references to the sale of children should not be restricted to sales for sexual exploitation but should include sale for other forms of abuse. The optional protocol should contain a reference to national legislation as well as to international mechanisms to deal with the problem, as in the case of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. His delegation hoped that those concerns would be addressed in the informal consultations that were currently in progress.

67. Ms. GEELS (Observer for New Zealand), having noted that the Convention on the Rights of the Child had achieved nearly universal acceptance in only 10 years, said that the real measure of its success, however, lay in its impact on the lives of children, and in many parts of the world children's rights remain largely unrealized. Ensuring the implementation of the Convention must be the international community's priority. UNICEF was to be commended in that connection for having adopted a rights-based approach to its work and having published a handbook on the implementation of the Convention.

68. The Committee on the Rights of the Child, an important resource for the implementation of the Convention, should be fully utilized. Her own country had submitted its initial report to the Committee in 1997, and the Committee had then made 17 recommendations, which her Government was considering while preparing its second periodic report. Making the principles of the Convention a core reference for policy development enhanced a country's compliance with that instrument.

69. Her Government believed that children and young people should be involved in the reporting process and had supported a community initiative that had sought the views of young people on how to communicate with children about the Convention. It would continue to explore with young people ways that they could enhance their involvement in the issues that affected them.

70. The situation of children in armed conflict had far-reaching consequences and New Zealand participated in an initiative in Papua New Guinea for young people who had grown up in such a situation. Her delegation supported the efforts of the Special Representative of the Secretary-General to raise awareness of the abduction of children to serve as soldiers or sex slaves in armed conflicts. Immediate action was needed to protect such children, and the international community must make it clear that such violations of children's rights were intolerable. Her delegation supported the conclusion of the proposed optional protocols to the Convention on the Rights of the Child on children in armed conflicts and on the sale of children, child prostitution and child pornography. It was also to be hoped that the ILO would commemorate the tenth anniversary of the Convention by adopting a convention to eliminate the worst forms of child labour.

71. Mr. CUELLO CAMILO (Observer for the Dominican Republic), having endorsed the statement by the representative of Guatemala on behalf of the Latin

American and Caribbean States, drew attention to the legislation which his country had enacted to implement the Convention on the Rights of the Child. The National Plan of Action developed in response to the World Summit for Children had led to the creation of a number of government bodies, including a National Commission to follow-up the commitments undertaken at the World Summit. The Commission's sectoral activities had been developed with the participation of government agencies and NGOs. The Government had also established a Commission to support the reform and modernization of the justice system, an effort that was focused on special courts for children and adolescents.

72. A governing body for the child welfare system had been established which was responsible for all plans, programmes and activities carried out by government and non-governmental agencies involved in the protection of children's rights. Specific activities included expansion of the school breakfast programme, a relaxing of criteria for school enrolment, a scholarship programme, the signing of an agreement with the ILO for the elimination of child labour and the regulation of adolescent labour, and the development of a national social mobilization programme for children's rights, under which 140 NGOs carried out activities in rural areas.

73. His delegation believed that the best way for the international community to observe the tenth anniversary of the Convention on the Rights of the Child was to complete work on the various optional protocols currently in preparation.

The meeting rose at 5 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 1999, at 6 p.m.

Chairperson	Mr. BAUMANIS (Vice-Chairperson)	(Latvia)
later:	Mr. SIMKHADA (Vice-Chairperson)	(Nepal)

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RIGHTS OF THE CHILD (continued)

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GE.99-15873 (E)

The meeting was called to order at 6 p m

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN 4/1999/69-71 and Add 1, 72-74 and 105; E/CN 4/1999/NGO/42, 45, 49, 70 and 77, A/53/311 and 482, E/CN 4/Sub 2/1998/12)

1. Ms. BU FIGUEROA (Observer for Honduras) said that her Government fully supported the declaration made by the Government of Guatemala on behalf of the Latin American and Caribbean Group. The rights of the child were always given high priority in Honduras, where children accounted for 51 per cent of the population. Instruments which ensured the rights of the child included, inter alia, the Constitution, the Convention on the Rights of the Child and other international instruments, the Code on Children and Adolescents, and the Family Code. Under Honduran legislation, young offenders were not treated as delinquents but were provided with rehabilitation programmes.

2. Hurricane Mitch had aggravated poverty in the country. Many schools were being used to provide shelter for people who had lost their homes, and thousands of children had been affected. The greatest hazards jeopardizing children's development were poverty and environmental degradation. Two thirds of Honduran children lived in extreme poverty, generally in households headed by peasants or unwaged workers. One of the institutions most active in protecting children was the Fundacion Maria, a non-profit organization which provided health care and education for children, including a children's hospital and a science and family museum. International organizations, non-governmental organizations (NGOs) and the Government were cooperating to restore and equip a number of child-care centres.

3. Mr. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) expressed concern about the effects of conflict on children, large numbers of whom were recruited as child soldiers and suffered enduring physical and psychological trauma, including a loss of moral values. As a result of forced displacements and flight from conflict zones, other children became victims of exploitation and sexual abuse. Because of their disabilities, many were abandoned or denied access to education. Children raised in a culture of violence were more prone later in life to pose social problems. His organization provided psychological and social support to such children and facilitated the reunification of unaccompanied minors with their families.

4. Street children had appeared in almost every country. The term covered numerous situations, including orphans, children abandoned by their families, those affected by violence or poverty, and those forced onto the street by natural disasters and armed conflict. Children living in areas affected by sanctions were in a particularly difficult situation. National Red Cross and Red Crescent societies were increasingly involved in assisting such vulnerable children.

5. The International Red Cross and Red Crescent plan of action concerning children in armed conflict called for a ban on all direct or indirect participation in conflict by children under the age of 18. Many national societies had taken initiatives to appeal to Governments and to the public on behalf of children affected by armed conflict, while others had developed programmes for their practical rehabilitation and reintegration into civilian society.

6. Ms. AQUELINA (Observer for Malta) said that in Malta, which had been one of the first countries to sign the Convention on the Rights of the Child, the welfare authorities had since 1962 been permitted to protect parentless children, a law adopted in 1980 enabled the courts or the authorities to place children under the care of the State in case of need. There was also a juvenile court for children under 16. The Government was considering the establishment of a family commission, whose tasks would include strengthening the family unit, focusing attention on the special needs of children from broken homes, improving fostering and adoption procedures, drafting a new Children's Act and setting up a family court.

7. While supporting the activities of the Working Group on the draft optional protocol on the involvement of children in armed conflict, her Government regretted that no agreement had yet been reached on the protocol. It fully endorsed the proposal to raise to 18 the minimum age of recruitment. Malta also supported the activities of the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography. Measures to afford more effective protection against such exploitation were clearly needed.

8. U LINN MYAING (Observer for Myanmar) said that an unprecedented number of States had ratified the Convention on the Rights of the Child, and that his Government called on those that had not yet done so to become parties to the Convention. For its part, Myanmar had submitted its report to the Committee on the Rights of the Child, and believed that the best way to ensure children's rights was to work within the framework of the United Nations system. The Government had adopted the Child Law in 1993 and had later established the National Committee on the Rights of the Child to assist in the Law's implementation.

9. Myanmar had taken effective measures to ensure the realization of the right to education, which was one of the most important rights of the child. To give effect to the World Declaration on Education for All, which had been adopted at the World Conference on Education for All, it had established a national programme of action, the objective of which was to provide some primary education to all children by the year 2000. The Ministry of Education had worked closely with UNESCO and UNEP to survey needs, and had as a result improved teacher training institutes, provided easier access to primary education and enhanced the quality of education. It had opened 12 high schools, 41 middle schools and 326 primary schools, and appointed 1,456 teachers, thus allowing children from various ethnic groups to have access to education. The Ministry of Religious Affairs ran over 1,500 monastic schools, which provided elementary education to some 93,000 children. Government spending on education had quadrupled in 10 years. Despite the difficulties it faced as a developing country with a transition economy, Myanmar was fully committed to promoting and protecting the rights of children.

10. Mr. MANSOUR (Observer for the Islamic Republic of Iran) said that large numbers of children were exploited for sexual tourism for child labour or in armed conflict, and that the perpetrators of such child abuse should not enjoy impunity. Clearly, children deprived of their own rights would not be able to respect human rights in the future. Ensuring the rights of the child required both a revival of local values, morals and community structures, and complementary legal frameworks to combat child abuse and exploitation.

11. His Government regretted that the international community had not yet been able to conclude the drafting of the two optional protocols to the Convention on the Rights of the Child.

It supported the movement to raise the existing legal age limit for participation in hostilities, but considered that some flexibility would be advisable when distinguishing between recruitment and career military training, and between direct and indirect involvement in hostilities. The optional protocol should take into consideration States' national security requirements, so as to ensure that it would be ratified by as many countries as possible. The draft optional protocol on the sale of children, child prostitution and child pornography met an urgent need, as there was a dearth of national and international legal standards and there had been an alarming increase in trafficking in and exploitation of children.

12. Mr. HELLE (International Committee of the Red Cross) said that the international Red Cross and Red Crescent movement had adopted a plan of action to develop activities on behalf of children affected by armed conflicts, which focused on preventing the use of children as soldiers and on the psychological rehabilitation of children who were victims of armed conflict. ICRC assisted children through general relief and health activities, by restoring and maintaining contact between separated family members and by interceding with the parties to armed conflict to urge them to respect humanitarian law. It also identified and registered unaccompanied children, reunited families, supported educational activities and helped ensure that detained children were treated in accordance with the special protection due to them under humanitarian law.

13. The adoption of an optional protocol addressing the recruitment and participation of children in hostilities merited support, and it was regrettable that no consensus had so far been reached on a text. The instrument should prohibit both voluntary and compulsory recruitment and participation in armed conflicts by children under 18. Most importantly, it should apply to all parties, including non-governmental armed groups. Experience had shown that there must be equal legal obligations on both sides if rules of international law were to be respected. As the protocol relating to armed conflict, it should adopt the logic of humanitarian law.

14. There was a real need to implement existing standards as well. Children under 15 were taking part in hostilities. The establishment of the International Criminal Court would help ensure that they did not do so in the future. Children at risk should be provided with alternative sources of income, occupations, stability and social respect.

15. Mr. BERTELLO (Observer for the Holy See) said that the sexual exploitation of children for profit was acknowledged as a serious crime, which deprived young beings of their most essential trait - their innocence. The adoption of an optional protocol would be primarily an appropriate response to the need for clarity and justice for the victims, but it would also serve as a symbol of solidarity and sympathy, an ethical impetus reminding society that it had to protect fragile and vulnerable beings in every way possible.

16. Tens of thousands of children were being used throughout the world as soldiers, in countries where political and social structures had been destroyed by internal conflicts. Children abandoned or orphaned in such circumstances were easy to recruit. While some were forcibly enrolled, others "volunteered" because they sought protection, food or a better future. Such children faced a tragic fate, as they were deprived of a place to seek refuge and bereft of affection and a normal childhood. The Holy See considered the adoption of the optional

protocol to be an urgent requirement. All participants in the working groups on the two optional protocols should show flexibility and a willingness to compromise so as to finalize the texts and ensure that they were adopted by consensus.

17. Mr. ACEMAH (Observer for Uganda) said that for 12 years innocent children had been abducted, tortured, detained, enslaved, mutilated and killed by the Lord's Resistance Army (LRA) in the north of his country. Some 10,000, most of whom were between 14 and 16 but some as young as eight, had been seized in that way. The boys had been forced to become soldiers and many of the girls had been coerced into marriage. According to a recent report, the notorious international terrorist, Osama bin Laden, was buying child slaves from the LRA in exchange for assault rifles and using the children to farm marijuana in the Sudan in order to fund his activities.

18. The Government of the Sudan bore full responsibility for the abductions. In April 1999 the chief spokesman of the LRA had resigned, citing among his reasons that they had been used as a tool by the Sudanese Government. That Government must not content itself with declarations that it was fully cooperating, in full transparency, with the UNICEF representative in Khartoum. It must match its words with deeds. The abductions were a horrendous and grotesque violation of the rights of the child, and an affront to all men and women of good will. He hoped the Commission would once again give its full support to a resolution to be submitted by his and other delegations on the subject.

19. Mr. NAVIKAS (Observer for Lithuania) said that his Government, having ratified the Convention on the Rights of the Child in 1995, had adopted the Law on the Fundamentals of Protection of the Rights of the Child the following year. A Council for Children's Affairs had also been established under the jurisdiction of the President's Office. It comprised 10 NGO members and six representatives of State institutions. In addition, the Government had adopted and provided financial support for a number of programmes addressing juvenile delinquency, nutritional assistance for children from needy families, the prevention of the commercial and sexual exploitation of children, and drug abuse. His Government worked hand in hand with about 100 NGOs and foundations in drafting new laws and formulating new programmes to defend children's rights. Education was provided to a large proportion of children with mental disabilities, and families with disabled children enjoyed certain privileges, such as the provision free of charge of prescription drugs, prostheses and other equipment.

20. Ms. CASSAM (United Nations Educational, Scientific and Cultural Organization) said that the explosion of the trade in pornographic images of children on the World Wide Web had prompted UNESCO, in January 1999, to convene a two-day meeting of experts on sexual abuse of children, child pornography and paedophilia on the Internet. Some 300 Internet specialists, Internet service providers, specialists in child care and officials of 40 countries, 75 NGOs, the International Labour Organization, the World Tourism Organization and Interpol had taken part. According to Japanese child protection agencies, of the 1,200 to 1,300 pornographic sites in Japan, over half showed sexual acts involving minors.

21. The Director-General of UNESCO had declared that the development of paedophilia on the Internet constituted a cybercrime, and that a global electronic watchdog was required to combat the on-line abuse of children exploited sexually and commercially by adults. As Internet

use grew, so did the risks that came with it. Child protection on the Internet was not a matter of censorship. The fight against the on-line criminal abuse of children required a broad coalition of forces, involving industry, policy-makers, educators, parents, law enforcement agencies and parliamentarians.

22. During the Commission's current session, optimistic views had been expressed about the possibilities offered by the Internet in the field of human rights, and in particular in the struggle against racism and xenophobia. It should be remembered that the Internet had been responsible for a million-fold increase in the free flow of pornographic images of children. A vast amount of money was being made by the purveyors of such images.

23. Mr. VAN DER WAL (Observer for Australia) welcomed the almost universal ratification of the Convention on the Rights of the Child, and called upon the few States that had not already ratified that instrument to do so. The Convention was an extremely important step forward, but much remained to be done, particularly with regard to implementation. Advances in information technology had facilitated access to child pornography, and children were increasingly affected by armed conflict.

24. His Government was disappointed with the slow pace of the negotiations aimed at the adoption of the two optional protocols to the Convention on the Rights of the Child, addressing, (a) the sale of children, child prostitution and child pornography, and (b) children in armed conflict. The Government had drawn up a national plan of action against commercial sexual exploitation, and had taken legislative measures to combat sexual exploitation, sexual tourism and trafficking in children. International efforts could improve the way in which such problems were tackled. The Government had concluded memoranda of understanding with the Governments of Fiji and the Philippines, and supported regional efforts, such as seminars and activities conducted by NGOs in developing countries. It had also continued to assist in the rehabilitation of children traumatized by their engagement as soldiers in armed conflict, for example by contributing to NGOs and United Nations agencies working in the wake of war. Australia supported mine clearance and physical rehabilitation programmes, and had been one of the original States parties to the Ottawa treaty which banned landmines.

25. Ms. TOMIC (Observer for Slovenia) expressed concern about the effects of modern-day conflicts on children, and in particular about the plight of those children who were brutally forced to leave their homes in Kosovo because of their ethnic origin. Her Government strongly supported the adoption of an optional protocol establishing the minimum age of 18 for direct or indirect participation in armed conflict, and hoped for the speedy entry into force of the Statute of the International Criminal Court, which would have many implications for children caught up in armed conflict. It was regrettable that the Statute's criminalization of recruitment of children did not cover those between the ages of 15 and 18. Because persons under 18 were excluded from the Court's jurisdiction, there was the possibility that children between 15 and 18 would be purposefully implicated in crimes punishable under the Statute, as a way of exploiting their impunity.

26. Mr. VIGNY (Observer for Switzerland) said that children were being recruited for armed combat by government and opposition forces in a number of countries, and called for new, more

stringent standards to be adopted. It was to be hoped that the States which were not in a position to accept the age limit of 18 for recruitment and participation in hostilities would not block the adoption of an optional protocol by those which wished to do so.

27. The Secretary-General's Special Representative on the impact of armed conflict on children who had recently visited countries affected by the problem of child recruitment, was playing a very important role in mobilizing the international community. The participation of children in armed conflict could be considered one of the worst forms of child labour. An explicit reference should be made to the problem in the proposed Convention on the worst forms of child labour, which was due to be adopted by ILO in the summer of 1999.

28. The lack of progress in drafting an optional protocol concerning the sale of children, child prostitution and child pornography was disappointing. It was difficult to arrive at a consensus on the scope of the new instrument, and especially on the definition of the sale of children. In many countries, the rights of child offenders were not respected. Special laws, procedures and institutions were required to deal with such children. States should observe the international instruments which set standards for the treatment of children and young persons who were in conflict with the law.

29. Ms. SANCHEZ REYES (Observer for Nicaragua) fully supported the statement made by the delegation of Guatemala on behalf of the Latin American and Caribbean Group. Hurricane Mitch had ravaged rural parts of Nicaragua, destroying crops, affecting health, and leaving women and children without access to basic services. The Government had taken numerous steps to help children affected by the hurricane, including the implementation of a project to assist in their psychological rehabilitation and to control childhood diseases. The Ministry of Education had initiated a remedial education plan for schoolchildren who had been unable to finish the academic year because of the hurricane.

30. The Code on Children and Adolescents, which had recently entered into force, represented a legal landmark in the country's development, as it set out the rights, freedoms, guarantees and duties of children and adolescents and established a specific criminal system for adolescents, in conformity with articles 39 and 40 of the Convention on the Rights of the Child. The Government was working to implement the Code, although it faced many difficulties owing to a lack of human and financial resources with which to establish centres for young offenders and to train judges. Nicaragua had adopted a national plan of action against child labour, and was working closely with ILO's International Programme on the Elimination of Child Labour (IPEC) and with UNICEF to raise awareness and combat the problem.

31. Ms. DORKENOO (World Health Organization) said that female genital mutilation was an unsafe and unjustifiable traditional practice affecting some 130 million girls and women throughout the world, and that 2 million more were at risk every year. Mutilation reinforced the inequity suffered by girls in their communities. It was generally performed on newborns, girls of about seven years of age or adolescents, and was done without anaesthesia, using crude instruments such as razors, scissors or pieces of glass. The children often reacted in panic and shock from extreme pain. Some bit through their tongues or had convulsions. It could take up to six adults to hold down a seven-year-old girl, who could suffer bone fractures or even death.

32. Female genital mutilation was comparable to torture, and the Convention on the Rights of the Child stated that children should not be subjected to torture or cruel, inhuman or degrading treatment. It also required States to take measures to abolish traditional practices prejudicial to the health of children, yet a number of States had reneged on their commitments to eliminate female genital mutilation. The only way of dealing with harmful traditional practices was to promote awareness by educating the public, health workers and those who carried them out. Professionals, development workers, local community leaders, women's groups and political leaders should all take part in that effort.

33. Ms. CASATI (Observer for Paraguay) expressed support for the statement made by the Guatemalan delegation on behalf of the Latin American and Caribbean Group, and called upon the States parties to the Convention on the Rights of the Child to adopt an optional protocol prohibiting the sale of children as quickly as possible. The protection of children was a task that required the cooperative participation of everyone in society. Projects to defend children's rights in Paraguay therefore involved many ministries, NGOs and donor countries, as well as representatives of civil society and the media. The Government had adopted a National Plan of Action for Children aimed at reducing mother and child mortality, combating malnutrition, promoting access to drinking water and improving education, with bilingual programmes in Guarani and Spanish.

34. Children in developing countries were increasingly being forced to work to supplement their families' incomes, which were insufficient. In Paraguay, the Government had taken measures to educate and assist children working in the street and to provide alternative sources of income for their families. In June 1998, Paraguay had joined ILO's IPEC programme for the elimination of child labour.

35. Ms. RAHAMIMOFF (Observer for Israel) said that it was very important to provide proper education for children. In Israel, 22 per cent of children lived in poverty, and although the law stipulated that education was mandatory and free, certain school activities required payment so that some children were excluded. On the other hand, the Israeli judiciary had an increasing awareness of children's rights, and judicial decisions referred increasingly to the Convention on the Rights of the Child. The law had also been improved so as to provide harsher penalties for sexual offences against minors, and social programmes had been set up to deal with child abuse, violence in the family, the family court system, health care, the treatment of minors in detention and child labour.

36. NGOs too played an active role in promoting and protecting children's rights. For example, the National Council for the Welfare of the Child, an independent NGO, had introduced a new project called the "Children's Rights Mobile Unit", which travelled around the country presenting movies, music and drama in Arabic and Hebrew to third and fourth-grade children on the subjects of children's rights, violations of their rights and the need to respect the rights of others.

37. Ms. RUIZ DE ANGULO (Observer for Costa Rica) expressed support for the statement made on behalf of the Latin American and Caribbean Group by the delegation of Guatemala and for the points raised by the representative of UNESCO on the need for immediate measures to combat the use of the Internet for the dissemination of pornographic images of children. She

called for the rapid conclusion of the two optional protocols to the Convention on the Rights of the Child. Costa Rica had always based its social policy on the well-being of its children. Immediately after it had ratified the Convention on the Rights of the Child, her Government had set about drafting a Children's and Young People's Code to meet its treaty obligations; the Code paid particular attention to the problem of child prostitution. In 1997 a national working committee had been established to combat sexual exploitation of children, and the legislature was working on a bill to impose harsher sanctions for such offences. As was often the case with countries which had limited means, Costa Rica required international assistance in the form of resources and experts. The help of the international community could be decisive.

38. Ms. MILLER (United Nations Children's Fund) said that the fulfilment of children's rights was both essential to, and a measure of, all human progress, not only because it was a moral imperative but because it provided the key to social progress, economic prosperity, political stability and the enjoyment of peace in every society. The consideration of children's rights under each agenda item at the Commission's current session was an important contribution to the promotion of a holistic approach, whereby the rights of the child were brought into the mainstream of human rights considerations. The Commission should continue that practice at future sessions.

39. In some 50 regions of the world affected by armed conflict, children and women were dying or were forced to flee for their lives, bearing the physical and psychological effects of atrocities, which should be unimaginable at the current stage of human history. Over 300,000 children had taken part in hostilities. Many had been recruited, others had been abducted. UNICEF had proposed a peace and security agenda for children which would ban the use of child soldiers under the age of 18, make children a priority in all peace-making efforts, empower the International Criminal Court to fight impunity for those who committed war crimes against children, support mine awareness campaigns, protect children from the effects of sanctions, and afford protection to humanitarian assistance and the personnel delivering it.

40. Consideration of the rights of the child should form an important part of the review of progress of the major United Nations human rights conferences of the 1990s. In 2001, there should be a review of progress for children with a view to formulating a new agenda for the twenty-first century. Achieving the vision embodied in the Convention on the Rights of the Child would require an all-embracing mobilization of families, communities, NGOs, religious groups and children themselves for the sake of all children and of generations of children to come.

41. Mr. ANOSHKO (Observer for Belarus) said that the protection of children was mandated in the Constitution of Belarus and had been the subject of the 1993 Rights of the Child Act, which was itself largely based on the Convention. A number of measures had been taken to guarantee those rights, including the adoption of a national plan of action for the defence of the rights of the child for 1995-2000 and the creation in 1996 of a national commission on the rights of the child, which was responsible, inter alia, for coordinating the activities of ministries and government departments, drawing up programmes in support of children's rights, and disseminating information on the provisions of the Convention and the Act.

42. Since 1995, a special course on the rights of the child had been taught at all educational establishments. In 1998 a presidential programme had been adopted entitled "Children of Belarus", under which various forms of assistance were provided for children affected by the Chernobyl accident, for disabled children and for orphans, and additional support was extended for social services and for the development of the baby food industry. Despite those efforts, the country still faced certain problems, including a rising juvenile crime rate, which could in part be attributed to unemployment. The number of separated families had risen and there had been a general disintegration of moral values. One way to deal with that problem would be by offering special support for children, and first and foremost for those who had social difficulties or who were in trouble, for example by providing psychological and social services in schools.

43. Mr. LHUNDUP (International Union of Socialist Youth) said that the rights of the child were regularly violated in Tibet, thus leaving a majority of Tibetan children illiterate after more than four decades of Chinese rule. Each year, hundreds of Tibetans who wished to have their children educated in their culture, religion and natural history were forced to send them into exile. Many of the children would never see their parents again, and some died during the dangerous journey over the Himalayas.

44. The world's youngest prisoner of conscience, Gedhun Choekyi Nyima, the Panchen Lama and the second highest spiritual leader of the Tibetan people, had disappeared in May 1995 at the age of six, and it was not until a year later that China had conceded that he was in custody. He was still being held incommunicado, and his whereabouts were kept secret. Because of their deep anxiety about the well-being of the boy, he and others had for 11 days been on an indefinite hunger strike, and had been holding a demonstration at the Place des Nations in Geneva. One of their demands was for China to permit a delegation of the United Nations Committee on the Rights of the Child to visit the young Panchen Lama and his parents. He would have no regrets if he died from the hunger strike. The campaign in Geneva was one of the few non-violent means with which the Tibetan people could alert the world to their plight.

45. Mr. LITTMAN (Association for World Education) said that for every 100,000 children born, at least 200 were handicapped, of whom about half were mentally handicapped. If war was dramatic for adults, it was horrible for children, and especially the most vulnerable of all children, the handicapped, who had special needs. Mentally handicapped children required an atmosphere of security and order, where people and events could be understood in a highly structured way and with few unexpected events. Many armed conflicts were taking place in very poor countries, which even in peacetime had little infrastructure for the disabled. In times of armed conflict, medical facilities closed, families were divided and schools and institutions were destroyed, while at the same time new traumas caused long-lasting scars and increased the number of handicapped children and adults. He himself knew from personal experience that a seemingly unimportant thing such as a stammer or stutter could be a nightmare, encaging a child in silence. It was time to respect the rights of all children, including those with handicaps, in war and in peace. All children should become a vital organ in a growing social organism, to be protected at all times.

46. Ms. TASCA (Christian Solidarity International (CSI)) said that the children of the Sudan had suffered most from the 16 years of war. Many had known nothing but constant displacement and fear of attack. Thousands had been taken as slaves. In the past three months, CSI had

redeemed from bondage in northern Sudan some 3,000 black African slaves, the overwhelming majority of whom were children. However, the Sudan's armed forces had recently launched an attack on the village of Akoc Payam, and had abducted 869 more young women and children. CSI's President had once again appealed to the United Nations Secretary-General and the High Commissioner for Human Rights to begin an investigation into child slavery in that country. Slavery was recognized as a crime against humanity and was punishable under the Convention on the Prevention and Punishment of the Crime of Genocide.

47. The Preamble to the Convention on the Rights of the Child called for the family to be protected and assisted. The fate of thousands of children in southern Sudan revealed a marked failure by the international community and the Sudanese Government to safeguard the family unit. The Commission, the High Commissioner for Human Rights and UNICEF should establish a slave and abducted youth tracing service to locate children taken to northern Sudan and return them to their homes and families in the south.

48. Ms. PARES PUNTAS (Pax Romana) said the draft optional protocol on the sale of children, child prostitution and child pornography should define the sale of children in the terms used by the Special Rapporteurs on the sale of children, meaning the "transfer of a child from one party ... to another, for whatever purpose, in exchange for financial or other reward or compensation". It would be against all principles of human rights to define the sale of children solely in terms of sexual exploitation. Destitute women in poor countries became pregnant, had babies and made them available for adoption in exchange for money, a practice condemned by the Hague Convention on intercountry adoption. The optional protocol too should prohibit such sales.

49. The draft optional protocol on the involvement of children in armed conflict should raise the age of compulsory or voluntary recruitment from 15 to 18 years, so as to bring it into line with the Convention on the Rights of the Child, with the ILO Minimum Age Convention (No. 138), and with the policy of the United Nations, which had set the minimum age of peacekeepers at 18. It was to be hoped that States that did not yet accept the 18-year age limit, including the United States, which had yet to ratify the Convention itself, would not prevent the adoption of the protocol by others. The protocol should apply to both compulsory and voluntary enrolment and should not distinguish between direct and indirect participation. Given the optional nature of the protocol, no reservations should be permitted.

50. Mr. Simkhada (Nepal), Vice-Chairperson, took the Chair.

51. Ms. WESCHLER (Human Rights Watch) said that the violence inflicted on children throughout the world had resulted in physical injury, psychological trauma and even death. Despite the growing recognition of children's rights and the nearly universal ratification of the Convention on the Rights of the Child, street children and children in correctional or other institutions and in schools were all too often subjected to arbitrary detention, beatings and abuse, while the perpetrators enjoyed impunity. When such acts were revealed, they were generally treated as isolated incidents, but the phenomenon was global in nature and was not adequately addressed by current mechanisms. Those responsible for protecting children from such violence were very often the perpetrators themselves.

52. The Commission should appoint a special rapporteur on violence against children to work with the Committee on the Rights of the Child and other United Nations bodies in order to monitor adherence to the international instruments which protected children from violence, investigate abuses and make recommendations on how to improve protection in practice. There were many subjects of concern which could be covered, including corporal punishment, the use of the death penalty against minors, and the failure by Governments to prevent violence in the home. The Special Rapporteur could conduct on-site visits, investigate complaints, report to and advise Governments on ways to avoid violence, promote an exchange of information and draw attention to serious problems involving violence against children.

53. Ms. MELO (World Organization against Torture) said that children continued to be victims of ill-treatment, torture, arbitrary detention, enforced disappearances and extrajudicial executions. Violence took many forms. In Kyrgyzstan, the most common violation of children's rights consisted of interrogations conducted without the presence of parents, guardians or counsel. In South America, street children continued to be subjected to grave abuse. For example, in Guatemala several street children had recently become victims of arbitrary detention, sexual violence and murder. In Brazil, six children and two young adults had been killed in 1993 by members of the Military Police in an incident known as the Candelaria massacre. Although three policemen had been convicted, no compensation had been paid.

54. The Convention on the Rights of the Child provided no procedure for making international claims when a child's rights were violated. In addition, there was no way for third parties to submit communications to the other treaty bodies, such as the Human Rights Committee or the Committee against Torture, as they required proof that the representative who filed the complaint was acting on behalf of the alleged victim.

55. In the case of street children and deprived or poor children, the victims had often lost their ties with their families or were in no position to pay for legal counsel. One of the victims of the Candelaria massacre had been buried under his nickname, "Little Skunk", as his family and name were both unknown. If Brazil had accepted the individual petition system of the United Nations human rights treaties, no one would have been able to present his case in order to hold the Government to account. Her organization concurred with Human Rights Watch that the Commission should appoint a special rapporteur on the question of violence against children.

56. Ms. BLOEM (World Federation of Methodist and Uniting Church Women) expressed concern about the situation of girls, who faced discrimination throughout their lives. In many countries, cultural attitudes promoted son preference, the use of sex selection technologies, female infanticide, female genital mutilation, sexual abuse and servitude, all of which denied girls their most basic human rights. Many adolescent girls had no access to information and services to protect their health and help them make responsible reproductive choices, and were therefore vulnerable to unwanted pregnancies, sexual violence and infection with sexually transmitted diseases, including HIV/AIDS.

57. All violence and human rights abuses against girls conflicted with primary education. The lack of economic incentives to invest in a girl's education was another factor which denied them access to schooling. When, in 1998, adolescent girls had taken part in a session of the Commission on the Status of Women, they had all shared one important concern: teenage

pregnancy and the stigma, poverty, isolation and death associated with it. They had also testified that many societies and Governments neglected the needs and rights of adolescent girls.

58. The status of girls at work was not easy to define, as data on child labour did not tend to be disaggregated by sex. However, by extrapolation it could be considered that child domestic service, child prostitution, child work on family farms and subcontracted family-based wage work would generally involve the work of girls, which was thus very often hidden, uncounted, unpaid and unseen. All activity that interfered with access to schooling must be considered one of the "worst forms of child labour" and must be covered by the new Convention which the ILO was planning to adopt in June 1999.

59. Ms. MORAN (American Association of Jurists) expressed concern about the sale of children. Over 100 sites on the Internet, most of which were in the United States, offered children for adoption against payment of a fee. In Italy, where trafficking in body parts of Albanian children had been alleged, a human heart could reportedly be purchased for 150,000 Euros. An advertisement had been placed in an Argentine newspaper thanking two companies and their managements for providing a kidney transplant in Curitiba (Brazil) in just a few months, while the waiting list for such a transplant would otherwise have extended to seven years.

60. In the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography, the rich countries, which presented themselves as the champions of human rights, were trying to deprive the protocol of all substance. They were opposing the instrument's coverage of organ trafficking, and calling for the definition of the little substance that remained in the protocol to be left to national legislation. The Working Group's mandate was clearly meant to cover the sale of children for any purpose. The protocol should contain precise definitions covering the various types of criminal and associated activities. A list of proposed definitions for certain terms was included in her organization's written statement. The instrument should refer to activities "with a sexual connotation so as to ensure that offences covered would include those which certain national legislations qualified simply as "improper acts", without considering them as sexual acts. Similarly, the concept of "sale" should extend to "trade" or "trafficking". Those countries which tended to confuse the best interests of the child with the best interests of the rich should stop blocking the adoption of an instrument which could help halt the brutal exploitation of children throughout the world.

61. Ms. WALTER (International Federation Terre des Hommes) said that a recent study by Terre des Hommes-Netherlands had shown that certain vulnerable groups accounted for a large proportion of the victims of the worst forms of child labour. Children from ethnic minorities, tribal groups, migrant populations, refugee children, low social castes and outcasts were especially at risk. In India, some 200,000 girls and young women from Nepal were working as prostitutes, lured into their situation by false promises and confronting terrible abuses. Foreigners were more easily abused, as they did not speak the local language and were deprived of family support and care. The Akha hill tribe in northern Thailand provided another example of a marginalized group. Akha people were regarded as illegal immigrants, and since they were deprived of official registration papers, they had no land rights or rights to public services. Their access to education and health care was very restricted, and their children were increasingly being forced into prostitution or work in illegal factories.

62. The Coalition to Stop the Use of Child Soldiers had noted in a leaflet that the overwhelming majority of child soldiers had had a disrupted family background, were economically and socially deprived, were from marginalized groups or lived in conflict zones. Clearly, violations of human rights tended to beset certain groups of children. Any attempt to rid the world of the worst forms of child labour should not only combat the causes of exploitation, but also address the factors that increased the vulnerability of those groups.

63. Ms. SAYEGH (World Movement of Mothers) said that the Commission had before it reports which described inhuman treatment, massacres, imprisonment, disappearances and the destruction of infrastructures by bombing which killed thousands of innocent civilians, including many children. Millions of children were victims of poverty, hunger, armed conflict, injustice, violence and cruel repression, including economic sanctions and bombardment. Her organization believed life was too valuable to tolerate such acts. The international community must provide better protection for children, for example by helping their countries to ensure their rights and instilling human values and a sense of respect and responsibility. The Commission must promote a culture of peace in which consideration could be given to the special vulnerability of children, particularly those suffering for many years because of economic sanctions and bombing. The violation of their human rights must be halted, and peace and social justice must be promoted throughout the world.

64. Ms. BELLAMY (International Confederation of Free Trade Unions) said her organization, which represented some 124 million members, would increasingly make its voice heard to denounce child labour and the worst forms of economic exploitation of children. The world economic crisis was worsening, and as a result trade union rights were deteriorating in some countries, while child labour became more prevalent in others. The expansion of child labour in the countries most affected by the crisis was an increasing cause for alarm. Globalization was yet another obstacle to the struggle against child labour, as it was currently devoid of any social dimension.

65. The use of child labour in its worst forms sacrificed children's education, compromised their health, stunted their development and jeopardized their psychological balance. In the past 18 years, some 50,000 children had been rescued from slavery by an NGO based in New Delhi. When would the Indian Government, which maintained that it intended to combat slavery, finally convert words into action? Extreme poverty was one factor that must be taken into consideration when combating child labour. Poverty should not, however, serve as a pretext for making children work while thousands of adults were forced into unemployment. In June 1999, the International Labour Conference would adopt new standards covering the worst forms of child labour, with the aim of bringing to an immediate end the intolerable exploitation of children in dangerous jobs and conditions akin to slavery. The new ILO Convention would call for penal sanctions, preventive and rehabilitation measures, and cooperation and assistance among States to ensure that all children were protected, regardless of the level of development of the country in which they lived.

66. Ms. WALTON (International Educational Development, Inc.), speaking also on behalf of the International Forum for Accessible Science, the International Long Term Survivors Network for people living with a positive HIV test result, Continuum, Heal United, Action Positive Switzerland and African Community 2000, said that inadequate and biased HIV/AIDS science

could be particularly dangerous for children. WHO, UNICEF and the joint United Nations Programme on HIV/AIDS (UNAIDS) were discouraging women considered to be carriers of HIV from breastfeeding so as to reduce the chance of transmission to their babies. In the United States, the authorities had attempted to force a woman diagnosed as HIV-positive to feed her child infant formula. There was a lack of scientific data supporting the premise that breastfeeding in such circumstances could be prejudicial to the child. It was, however, acknowledged that children who were given formula were at greater risk of disease.

67. Out of fear of HIV, not only were children deprived of breastfeeding - their main potential source of nutrition and immunity, they were also given highly toxic, cell-killing experimental drugs such as AZT, on the basis of inadequate and biased HIV models. The use of such treatments was justified by a United States trial of AZT, which had been conducted on a small scale in Thailand. That test had not been replicated and included certain false claims. Children reacted to drugs differently from adults, and newborn babies in particular were much more susceptible to toxic effects because their kidneys and livers were not developed. The international community should re-evaluate current policies on HIV/AIDS and infant feeding.

68. Ms. BRETT (Friends World Committee for Consultation (Quakers)), speaking also on behalf of Amnesty International, endorsed the statement recently made by the Executive Director of UNICEF to the United Nations Security Council to the effect that the ruthless exploitation of children as soldiers would continue until the minimum age of recruitment was universally set at 18. The Coalition to Stop the Use of Child Soldiers had produced a new version of the draft optional protocol to the Convention on the Rights of the Child (E/CN.4/1999/WG.13/2) as an alternative to the texts drawn up by the Working Group of the Commission. It provided for a complete ban on any compulsory or voluntary recruitment of or participation by children under 18 in government armed forces and in armed groups, and for the obligation of States to take all feasible measures to prevent such activities. It also obliged States parties to criminalize the recruitment or use in hostilities of children under 18. The Coalition urged Governments and others to give serious attention to that draft. Involvement of children in armed conflict not only exposed them to the danger of death or injury, but also violated many other rights of the child. Furthermore, as the High Commissioner for Human Rights had said in her opening statement to the Commission, it was very difficult to create a lasting peace in States where children had become combatants.

69. Ms. LAFTMAN (International Save the Children Alliance) said that approximately 300,000 child soldiers were currently fighting in 36 conflicts around the world. In 1998, children had continued to be enlisted and used as combatants in Colombia, the Democratic Republic of the Congo, the Sudan, Sierra Leone and Sri Lanka. The legal standards governing the recruitment and use of children in hostilities were inadequate in affording them protection, and there was an urgent need for a clear, unequivocal international norm. No child under 18 should be recruited into the armed forces or be able to take part in hostilities. The optional protocol to the Convention on the Rights of the Child should raise the minimum age from 15 to 18 years.

70. The Commission should extend the mandate of the Chair of the Working Group on the optional protocol so that broad informal consultations could continue for another year. The adoption of the Statute of the International Criminal Court was a major step forward, as it

established individual criminal responsibility for the recruitment or use in hostilities of children under 15 in international and non-international conflicts. All States should ratify the Statute as soon as possible. The Commission should call on all States to set the minimum age for all forms of recruitment and participation in hostilities at 18 years.

71. Ms. PASCAL (Defence for Children International), speaking on behalf of 23 associated organizations, supported the position of the Special Rapporteur on the sale of children, child prostitution and child pornography when she referred to the need for the optional protocol to include definitions that were sufficiently broad to ensure universal acceptance. It made sense to separate the definitions from the more specific description of the activities penalized. The fact that the definitions were broad could make possible the consensus which the instrument would require to ensure its implementation. Without such a consensus, it could be burdened by reservations or a lack of ratifications.

72. The Committee on the Rights of the Child and the two Special Rapporteurs had stated that the age of consent should be immaterial when considering child protection issues, as the optional protocol should afford protection to any person under 18, while the age of consent could be lower. There should be no confusion between the concepts of sexual relations and sexual exploitation. Both the Ad Hoc Committee for the Elaboration of a Convention against Transnational Organized Crime, in its deliberations concerning trafficking in women and children, and the proposed ILO Convention on the worst forms of child labour would extend protection to persons under 18, and the protocol should follow suit. During discussions on pornography, concern was regularly expressed about the protection of the right to freedom of expression. The optional protocol should make it clear that there was no hierarchy of rights, and that whenever one right conflicted with another the compromise must not be exclusively to the detriment of one of them, especially when the rights of the child were concerned. Finally, more coordination was necessary between the work in Vienna on international trafficking issues and the drafting of human rights instruments in Geneva. The two types of instruments should be complementary and avoid duplication.

The meeting rose at 9 p.m.

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Fifty-fifth session

SUMMARY RECORD OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 1999, at 9 p.m.

Chairperson: Mr. SIMKHADA (Nepal)
(Vice-Chairperson)

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RIGHTS OF THE CHILD (continued)

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GE.99-15829 (E)

The meeting was called to order at 9 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/1999/69-71 and Add.1, 72-74 and 105; E/CN.4/1999/NGO/42, 45, 49, 70 and 77; A/53/311 and 482; E/CN.4/Sub.2/1998/12)

1. Ms. CASTELLI (Association de volontaires pour le service international) said that thousands of young children were being abducted throughout the world. One region particularly affected was northern Uganda, where 139 girls had been abducted from their school in a single night in October 1996 by the Lord's Resistance Army (LRA) rebel force. The LRA regularly resorted to abduction and forced enrolment of children.

2. In Uganda, the Concerned Parents' Association, religious leaders and children had begun raising awareness of the problem and urging the immediate and unconditional release of abducted children. Religious leaders had called for peace talks with a view to finding a solution to the conflicts in the north and west of the country. The international community should remember the plight of children abducted in armed conflicts. It should support cancellation of the unpayable external debt of developing countries and involve civil society in negotiations before loans and grants were contracted between Governments and donors.

3. Ms. SANJUR (Commission for the Defence of Human Rights in Central America) said that despite the adoption of legal standards for the protection of children's rights in Central America, in practice children were still forced to work - sometimes from the age of five - owing to the extreme poverty and economic and social crisis in the region. According to official statistics, some 1.5 million children between 10 and 17 and just as many children under 10 had to work to help meet their families' basic needs. The region's Governments had failed to meet their obligations to eradicate the worst forms of child labour. Some had even tolerated an increase in child prostitution. With the exception of Costa Rica, none of the Central American countries had clear and coherent policies to prevent and punish the sexual exploitation of under-age girls. Half of the victims of Hurricane Mitch had been children. According to official estimates, there were 23,000 street children in Central America.

4. The Commission should call on the Guatemalan Government to implement the Juvenile Code. It should urge the region's Governments to do everything possible to improve the living conditions of all children, and especially those at risk by carrying out preventive measures to protect them from exploitation and observing the recommendations contained in the Convention on the Rights of the Child. In addition, a special rapporteur should be appointed on the theme of the human rights of street children, and due consideration should be given to the adoption of the optional protocol to the Convention prohibiting the sale of children, child prostitution and child pornography.

5. Mr. PERERA (World Federation of United Nations Associations) expressed support for the formulation and adoption of optional protocols to the Convention on the Rights of the Child relating to the prevention of the sale of children, child prostitution and child pornography and to the involvement

of children in armed conflict. He underscored the need to ensure that those children who were "liberated" from work would be able to go to school. There were currently no schools for hundreds of millions of children, especially in the developing countries. Notwithstanding their obligations under the Convention, many Governments had not provided adequate facilities for the schooling of their children.

6. All the non-governmental organizations (NGOs) engaged in the field, and especially teachers' associations, should urge Governments and the international community to take effective measures to fill that gap. Similarly, the quality of the teaching profession must be ensured by providing conditions of service attractive to competent and dedicated people. Leaving children without schooling or subjecting them to incompetent, uncommitted and uncaring teachers could be as abusive as any form of child abuse. Campaigns to eliminate the exploitation of children must be accompanied by commensurate measures to provide those children with an education.

7. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said that the registration of a child's birth was more important to ensuring that child's rights than it might seem. Although a birth certificate did not directly provide food, health services or education, it was often a precondition for obtaining such services. It would become increasingly important later for marriage, banking, land ownership, housing and participation in political life. Birth certification also provided some protection against such abuses as child trafficking, the worst forms of child labour, under-age enlistment, child prostitution and child pornography.

8. A number of NGOs were working in south-east Asia to promote birth registration, for example by convincing parents of the importance of obtaining a birth certificate, but much remained to be done. According to UNICEF, some 40 million births went unregistered every year.

9. Mr. GANT (International Human Rights Law Group) said the United States was one of six countries, with Iran, Nigeria, Pakistan, Saudi Arabia and Yemen, which executed child offenders, and that in the 1990s it had executed more than the other five combined. It was the only country to enter a formal reservation to article 6, paragraph 5, of the International Covenant on Civil and Political Rights, thus specially reserving the right to impose the death sentence on persons below the age of 18.

10. No juvenile sentenced to death for an offence in the United States had had his or her sentence commuted. The application of the death penalty was racially biased, as the percentage of African-American or Latino minors sentenced to death was even higher than in the case of convicted adults. Those receiving capital sentences for offences committed as minors tended to have long histories of physical and sexual abuse, and many suffered from mental impairment. The United States Government should pass legislation establishing a minimum age for offenders subject to the death penalty. The Commission should call on all States retaining the death penalty to stop imposing it in the case of juvenile offenders.

11. Mr. WARIKOO (Himalayan Research and Cultural Foundation) drew the Commission's attention to the exploitation of children in Jammu and Kashmir,

where foreign mercenaries were forcing children to become gun runners and human bombs. One 10-year-old boy had been trained to throw hand grenades in busy market places and had received a small amount of change for each "successful operation". Children were coerced to enrol for training in the use of weapons, including automatic rifles, and to serve as carriers of arms and explosives. Some had been kidnapped for ransom and others had been sexually abused.

12. Childhood had become a nightmare in the Kashmir valley, where over 30,000 orphans were denied a normal childhood and were growing up in a context of deprivation. Hundreds of schools, laboratories, libraries and sporting establishments had been destroyed with the sole objective of depriving children of a secular and modern education and forcing them into fundamentalist religious seminaries. Many teachers had been killed or forced to leave Kashmir. The Commission should do everything possible to bring terrorist activities in Jammu and Kashmir to a halt so as to protect and promote the rights of children there.

13. Ms. SCHOLZ (Human Rights Advocates) said that in the six countries that maintained capital punishment for juvenile offenders over half of executions since 1990 had been in the United States. Only two countries, the United States and Somalia, had not ratified the Convention on the Rights of the Child, which prohibited the juvenile death penalty. However, the United States was a signatory to the Convention, and the Vienna Convention on the Law of Treaties stipulated that a signatory State which had yet to ratify a treaty must adhere to its provisions and not act in a manner inconsistent with them. Under the Convention, no reservation could be made concerning the prohibition of capital punishment for juvenile offenders.

14. The Commission should urge Iran, Nigeria, Pakistan, Saudi Arabia and Yemen to adhere to their international treaty obligations and stop sentencing juvenile offenders to death. It should urge the United States and Somalia to ratify the Convention without reservations, and to act in conformity with it until they did so. The six States should report to the Commission on their efforts to prohibit the juvenile death penalty.

15. Ms. SHAUMIAN (International Institute for Peace) expressed concern at the plight of children in war. Since 1987, some 2 million children had been killed as a result of armed conflict, and countless others had been seriously injured, psychologically jeopardized and socially dislocated. Women and children accounted for over three quarters of the victims of modern warfare. Children suffered immense hardship, for example in Afghanistan, Rwanda, Chechnya and Bosnia. In Kashmir, they were victims of militants and mercenaries. In Kosovo, they were massacred because of their ethnic origin. Serbian children were victims of NATO bombing. Children accounted for an enormous share of the world's 26,000 annual landmine fatalities. It had been estimated that up to 250,000 children were serving as combatants in government or opposition armed forces, and still more served as cooks, messengers and porters.

16. It was regrettable and surprising that a person speaking on agenda item 10 on behalf of the Asian Buddhist Conference for Peace had virtually called upon Muslim youth in Kashmir to continue the armed rebellion started

in 1988, because it was "the only path they could choose". Buddhism always advocated non-violence and the peaceful settlement of disputes based on negotiations, mutual concessions and good will.

17. Mr. GUPTA (International Institute of Non-Aligned Studies) said that in the global rush towards economic development, little attention was paid to the social, economic, political and cultural ethos of countries. Technological advances often had adverse effects on the situation of children, for example where traditional crafts and social structures had disintegrated, leaving families dependent on child labour for income. By placing so much importance on the acquisition of wealth, the new international economic order left many people in deprivation and unemployment, thus increasing child prostitution and the sale of children for begging or for marriage to wealthy old men. Violence against girls had nearly become an accepted norm.

18. NGOs had a special role to play in making children's rights a reality. They had repeatedly demonstrated that concerted efforts could bring results. It was essential that a rights-based approach to development programmes should be adopted and that support should be given to communities which empowered children through education. Children should be involved in their own development, for example through participatory research.

19. Mr. SHIMOJI (World Federation of Trade Unions) said that where feudal traditions prevailed and children had to work off debts contracted by earlier generations, bonded labour was one of the ugliest violations of the rights of the child. Many such children were likely to grow into adulthood with no education or freedom, and would merely pass their shackles on to their offspring. According to an ILO estimate, nearly 6 million children in Pakistan were exploited as bonded labour and worked in conditions approaching those of slavery. Poverty-stricken people in south Asia were sometimes forced to sell their under-age daughters as sex commodities.

20. On Okinawa, where some 25,000 United States servicemen were stationed, there were hundreds of children of mixed heritage, most of whom had been born to Okinawan mothers abandoned, without child support, by the American fathers. Such children suffered from poverty and lack of medical care. Child support was a legal obligation. The United States and Japan should enter into an agreement to enforce the payment of child support for such Amerasian children.

21. Ms. ALI (Afro-Asian People's Solidarity Organization) drew attention to the fact that in a number of countries, despite the nearly universal ratification of the Convention on the Rights of the Child, certain rights were not observed in practice. In Pakistan, for example, neither the federal nor the provincial governments provided sufficient resources for universal education. Only 70 per cent of children under 12 were enrolled in schools, and less than half of them would complete primary school. In religious schools children were illegally confined and kept in unhealthy conditions. A nine-year-old boy had been killed when he had tried to break the chains in which his religious school had bound him by laying them on a railroad track as a train passed. In higher education, the Government and universities respected academic freedom, but certain radical religious student organizations intimidated other students, instructors and officials.

22. It was not enough that a large number of States had ratified the Convention. The Commission should be concerned about situations in which children were deprived of their rights in practice and were raised as fundamentalists, mercenaries and terrorists.

23. Ms. STOTHARD (Aliran Kesedaran Negara National Consciousness Movement) said that in Myanmar, children who were subjected to repression, including forced relocation and military attack, faced serious psychological problems. Those who survived atrocities had to cope with the effects of witnessing the torture or killing of their families or friends. The army continued to violate the rights of children, for example by attacking civilians, raping and killing, using children as porters or for forced labour, forcibly relocating thousands of communities, recruiting child soldiers and arresting children for expressing their views. Military raids on homes in the middle of the night and arbitrary detention were common.

24. In Malaysia too, the recent surge in police brutality and arbitrary detention, including the extreme brutality with which the Kuala Lumpur police dispersed peaceful human rights defenders, would not fail to leave a mark on Malaysian children. The children of political prisoners, including Anwar Ibrahim, had to endure harassment, uncertainty and separation from their parents. It would be very difficult indeed to encourage children to believe in the rule of law when a country's legal institutions conspired to deny them justice.

25. Ms. TONG (Worldview International Foundation) said that she had been surprised to learn of the rights supposedly ensured for children in Myanmar under the Convention on the Rights of the Child, which Myanmar had ratified. For example, although the military regime maintained that schooling was free, some 39 per cent of children had never been to school because the unofficial fees were so expensive, and only 25 per cent of school children completed the first five years. Children from ethnic groups were not allowed to learn their own languages. Boys were forcibly enrolled in the armed forces as child soldiers. Government resources were allocated mainly to the military, and the Government forcibly relocated families, thus making it impossible for them to provide for themselves. As a result, 37 per cent of children suffered from protein-energy malnutrition, and 11 per cent were severely malnourished. Girls were raped by soldiers, who committed such acts with impunity.

26. Children were losing any faith they had in the country's institutions, which uttered fine words but did nothing to help improve the country's situation. Since Myanmar was not a democracy, there was little they could do to change the situation. Perhaps the Commission could take some action to help them.

27. Ms. DIENG THIAM (African Commission of Health and Human Rights Promoters), speaking also on behalf of Femmes Africa Solidarité, said that only six countries had ratified the Charter of Rights and Welfare of the African Child. Notwithstanding the fact that nearly all African States had ratified the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights, the rights they guaranteed were continually being violated. Children, who in Africa had traditionally represented wealth, security, continuity and hope, suffered from malnutrition, infant mortality,

deficiencies and all sorts of deprivation. They were the primary victims of armed conflict, were often the ones blown up by landmines and were increasingly being enrolled in armed groups. Girls were subjected to sexual violence, forced and early marriage and genital mutilation.

28. The entire international community should take the measures necessary to demobilize all groups which used child soldiers and to assist in their integration into society. The Commission should use its influence to ensure that the rights of the child were realized at all levels, and take steps to punish persons who flouted those rights.

29. Mr. PUNJABI (Interfaith International) said that the adoption in 1989 of the Convention on the Rights of the Child marked a watershed in the history of human rights. Considering the impact of war on children, there was an urgent need to devise mechanisms to safeguard those rights during armed conflict. The optional protocol on the involvement of children in armed conflicts would be a step in the right direction. According to some estimates, at least 300,000 girls and boys under 18 were taking part in hostilities around the world, and hundreds of thousands more were enrolled in government or opposition armed forces.

30. When dealing with the problem of children in armed conflict, United Nations bodies had neglected the important issue of the use of children by private armed groups. Many were coerced into signing up. It should be recognized that children influenced by extremist religious ideology and trained in the use of arms and ammunition would become the terrorists of the future. The Commission should devise mechanisms to deal with that problem on a priority basis.

31. Ms. PEREIRA RAMIREZ (Federation of Cuban Women) said that 10 years after the adoption of the Convention on the Rights of the Child, millions of children had no access to health or education, slept in the street, were forced into prostitution and died of curable illnesses or because of armed conflict. Girls suffered from discrimination from before birth well into adulthood, as they were subjected to such harmful practices as genital mutilation, early marriage and motherhood, sexual violence and exploitation, sexual abuse and nutritional favouring of boys. As a result, in some parts of the world the number of men exceeded the number of women by 5 per cent.

32. Cuba, still facing a daunting situation and despite the genocidal embargo imposed unilaterally by the United States, had not closed a single school or hospital, and continued to conduct immunization programmes against 12 diseases. Its declining infant mortality rate was already among the 25 lowest in the world. The country had succeeded in eliminating diseases for which vaccines existed, achieved high immunization rates and provided basic education to 99 per cent of its children. Those achievements proved that human dignity could prevail over economic development indicators.

33. Ms. FATIO (Baha'i International Community) said that barriers in communication had fallen in the past decade since dramatic changes had taken place in the audio-visual world, and for the first time in history it was

possible to define and apply educational principles on a global scale. The new technologies could increase understanding among peoples, but without proper education they were likely to be misused.

34. Since children adopted cultural change more readily than adults, it was especially important to pay attention to the effects on them of technology and the media. With technology evolving so quickly, parents needed guidance in protecting the interests of their children. Governments could provide such guidance, and could make available useful strategies to ensure proper use of the media, for example by encouraging programming which promoted ethical values instead of pure entertainment. The use of modelling theory and positive role models in the mass media would be especially important in ensuring the social, spiritual and moral well-being of the child. A world ethic could contribute to the physical safety and mental health of children in war-torn countries.

35. The mass media also represented an enormous educational potential, for example, in the struggle against illiteracy. Distance education had been used earlier in the century for such programmes for children in Australia's outback. The Commission should include the media in its omnibus resolution on the rights of the child by inviting the Special Rapporteur on the right to education to encourage Governments to use the mass media to make education available to all, and to take measures so that the media disseminated information of benefit to the child.

36. Mr. SINGH (Liberation) said that, according to ILO, the exploitation of child labour in the world had increased by 50 per cent in two years, and that some 300 million children were currently employed. While the problem was worst in Africa, it affected children on every continent. Because of globalization, multinational corporations, the World Trade Organization and the Bretton Woods institutions were pressuring Governments to deregulate their economies and dismantle labour protection. Large corporations were becoming increasingly reliant on shadowy subcontractors which offered no labour protection at all.

37. The international instrument which afforded the best protection against child labour was the ILO Minimum Age Convention (No. 138) of 1973. The Convention prohibited hazardous labour for persons under 18, called on States parties to effectively abolish child labour, and specifically linked the need for compulsory schooling up to the age of 15, at the very least, with the prohibition of child labour. Because it had been ratified by just 46 countries, efforts were under way to adopt a less stringent Convention which banned only the worst forms of child labour and which could, it was hoped, be universally ratified. The new standard would in effect signal the acceptance and legitimization of child labour in all but its most extreme forms. Children belonged in schools and not in the streets, factories or farm fields. The Commission should recognize that the Minimum Age Convention must be maintained as the international standard, and that its universal ratification should be given due attention.

38. Ms. MONTEIRO (Franciscans International), speaking also on behalf of the Dominicans and the Lutheran World Federation, said that there was a connection between the economic policies of international financial institutions and the

realization and protection of the rights of the child. Foreign debt payments were a serious obstacle to development, as they prevented the most impoverished countries from investing in the well-being of their children. According to UNDP, six out of seven of the heavily-indebted poor countries (HIPCs) in Africa spent more servicing their debt than the amount required to achieve major progress against malnutrition, preventable diseases, illiteracy and child mortality. In sub-Saharan Africa, transfers to creditors in industrialized countries amounted to four times more than health spending.

39. In Zambia, a country which 10 years before had had one of the highest school attendance rates in Africa, structural adjustment policies had forced schooling fees so high that fewer than half of Zambian children currently attended school. Girls were often the ones excluded from education, leading to a vicious circle whereby later in life they would not send their own children to school. The same structural adjustment policies emphasized competition above all else, thus leading to sweatshop conditions of employment for women and children. While the HIPC debt reduction plan put forward by the World Bank and the International Monetary Fund was a laudable step, it offered too little relief, too late.

40. The G8 Governments should take bold initiatives to alleviate the debt burden, and United Nations bodies should link debt cancellation to investment in primary education.

41. Ms. LESTER (World Christian Life Community), speaking also on behalf of the Jesuit Refugee Service, expressed concern about the deprivation of the liberty of child asylum-seekers. The Human Rights Committee and the Working Group on Arbitrary Detention had both set out criteria for determining whether a person was subjected to arbitrary or unlawful detention, and UNHCR had recently published revised guidelines which stipulated that the detention of asylum-seekers should be a measure of last resort and should be applied for the shortest possible period.

42. Children continued to be detained in breach of the Convention on the Rights of the Child, in some cases for years. The Commission should deplore the detention of child asylum-seekers, urge all Governments to identify alternatives to detention with meaningful release procedures subject to independent review, and appeal to those States which had not already done so to ratify the Convention on the Rights of the Child.

43. Mr. CUELLAR (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, during the civil war in El Salvador, the military had been responsible for the forced disappearance of children in rural areas. Once the war had ended, the parents and relatives of those children had set up an association called Pro-Búsqueda to try to establish their whereabouts. The previous Public Prosecutor had tried to investigate the matter and called for compensation to be paid to the victims, but he had been unsuccessful owing to a lack of cooperation on the part of the army and the judiciary. A general amnesty which had been adopted five days after the presentation of the report of the Commission on the Truth had been condemned by the victims and by the Inter-American Commission on Human Rights. The amnesty made it impossible to provide moral and material compensation for the victims, as recommended by the Commission on the Truth.

44. Although El Salvador was presented as a model of pacification, its population faced grave dangers, including the highest murder rate in Latin America. The country's institutions were extremely fragile and were unable to ensure justice and respect for human dignity. The families of children who had disappeared had done laudable work, which had led to 98 cases being clarified in a country where impunity continued to block the course of justice.

45. Ms. DARGEL (World Organization of Former Pupils of Catholic Education) warmly welcomed the proposal by the United Nations High Commissioner for Human Rights to invite children to take part in a dialogue with the Commission at its fifty-sixth session in the year 2000.

46. Childhood was considered to include all persons under 18. While children of three or four had no voice of their own, they were not too young to be picked up off the street and thrown back there after the surgical removal of a kidney or an eye for the organ transplant trade. Child refugees who barely survived among fleeing thousands or children in cities progressively destroyed by bombing could read the first two articles of the United Nations Charter and ask to have them explained. They were growing up in a world where communication was global and immediate, yet the same pictures and accounts were spreading information and misinformation, accusations and counter-accusations, and the world had come no closer to the truth. It was the duty of every individual in his or her organization to pursue unswervingly the task of education in human values.

47. Ms. JURT (European Union of Public Relations) said that the use of bonded labour had been prevalent in feudal societies, but in modern times it was industrialization that had led to a situation where children, even in urban centres, were exploited in order to permit a family to survive. In Pakistan, economic necessity and connivance by government officials had led to the trafficking of women and children for sex. Although Pakistan was not the only country in the region which had bonded labour, it had made no adequate effort to shed feudal traditions, and mistreatment of bonded labourers was rampant. Many such labourers were imprisoned in their feudal lords' private jails. Those who escaped and were recaptured were sometimes tortured to death.

48. Generations of landless peasants in rural Sindh were tortured, bartered and sold. Women were regularly raped, and any children born as a result were bonded to their masters for life. The peasants received no wages and no share of production other than 20 kilograms of flour per family. They were often fettered and shackled. The Bonded Labour Abolition Act had been adopted in 1992, but since then not a single landlord had been punished for keeping bonded labour. The feudal lobby in Pakistan was powerful, and ensured that the law would not be implemented.

49. Mr. KOHLI (Indian Council of Education) said that although more than 190 countries had ratified the Convention on the Rights of the Child, the rights of children to life, education, health, food, housing, family life and freedom from physical abuse were denied all over the world. Some 250 million children were employed, including 120 million who were working full-time. Economic transformation had crushed family structures, especially

in the poorer countries, where children often had to work just to ensure their family's survival. The well-intended advice given to poor countries on how to eliminate child labour and the sanctions threatened if they did not do so often overlooked the fact that no family and no civil society would want to see their children working in appalling conditions. The solution was to be found not in advice or sanctions, but rather in positive cooperative action.

50. NGOs, which were firmly established at the community level, had a special role to play. They had proved that concerted action could bring results, for example by persuading parents even from the most economically vulnerable sectors to send their children to school. The total elimination of child labour and the realization of the right to education required the coordinated input of NGOs, industries, parents, teachers and Governments.

Statements in exercise of the right of reply

51. Mr. HASNUDIN (Observer for Malaysia), replying to the statement by the representative of Afro-Asian People's Solidarity in which he had referred to police brutality and the case of Mr. Anwar Ibrahim, expressed surprise that such a question could be addressed in a discussion devoted to the systemic violation of children's rights. It was inconceivable that mere news reports of the incidents alluded to by the NGO could seriously affect children.

52. The trial of Mr. Anwar Ibrahim had been consistent with the due process of law, and had been open to the national and foreign press. The defendant had had unlimited access to the best counsel in Malaysia. The Government was not happy with the "black eye incident", and it had therefore established a Royal Commission of Inquiry to investigate it. The NGO was abusing its privileges. Such incidents could only tarnish the image of the Commission.

The meeting rose at 11 p.m.